IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.93 OF 2005

IN

WRIT PETITION NO.3358 OF 2005

Meenakshi Dattatray Koli ..Petitioner.

Vs.

State of Maharashtra & Ors. ..Respondents.

....

Mr.R.K.Mendadkar with Ms.H.K.Mandlik for the Petitioner.

Mr.C.R.Sonawane, AGP for the State.

...

CORAM : A.P.SHAH &

DR.D.Y.CHANDRACHUD, JJ.

12th September, 2005.

P.C. :

The original Writ Petition before this Court (Writ Petition 3358 of 2005) took exception to an order passed by the Committee for the

Scrutiny and Verification of Tribe Claims on 3rd March, 2005 rejecting the claim of the Petitioner to belong to the Mahadeo Koli community. At the hearing of the Petition, it was urged that the Committee had not considered the sociocultural traits and ethnic linkage disclosed by the family of the Petitioner during the course of the investigation and that the Scrutiny Committee had not applied the affinity test. This Court had adjourned the matter in order to enable the Assistant Government Pleader appearing on behalf of the Second Respondent Committee to take instructions. On 13th July, 2005 when the Petition was called out, the AGP placed on record a letter dated 7th July, 2005 addressed to him by the Committee confirming that the Committee had not applied the affinity test and informing the AGP that the "queries made by the Hon’ble Court as referred in your letter dated 22nd June, 2005 appear to be correct". In view of this position, the appropriate order for the Court to have passed was for a remand of the matter back to the Scrutiny Committee for reconsideration. However, it has been pointed out that inadvertently, the Petition

has been dismissed.

When this Review Petition came up for hearing, the Learned AGP has fairly stated before the Court that what has been set out in the Review Petition is correct. Having regard to the contents of the Review Petition and by consent, we accordingly recall the order of the Court dated 13th July, 2005 and set down the Writ Petition for admission. The Review Petition is accordingly disposed of with no order as to costs.